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Editor's Notes

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EDITOR'S NOTES

It is, needless to say, not the sponsorship but the secrecy that is the pervasive and immediate vice. If [sponsored] books and articles . . . were openly acknowledged for what they are, they could be judged on their merits, which are often substantial. In the absence of such acknowledgment they are a fraud upon the public.

These statements are from a recent article in *Saturday Review* by Henry Steele Commager, in which he criticizes certain Orwellian policies of the federal government. This quotation is characteristic of a growing demand for greater disclosure in academic activities of affiliations and financial support. While written as criticism of government policy, his statements have important implications for law review editorial policy. With the growing awareness of the problems of grant-sponsored studies and their possible effect on academic integrity, law reviews should take a more active interest in formulating disclosure policies. Almost two years ago, in June 1965, Mr. Justice Douglas (*Law Reviews and Full Disclosure*, 40 WASH. L. REV. 227 (1965)) called upon legal journals to adopt a policy of fully disclosing their contributors' relevant affiliations. Since publication of that article several law reviews have adopted such policies, and the Association of American Law Schools has set

up the Special Committee on Academic Ethics to study the disclosure problem.

In the *Editor's Notes* accompanying Mr. Justice Douglas' article, the *Review* announced its adoption of a disclosure policy: all instances of direct compensation for articles would be disclosed and "indirect compensation" would be handled on a case by case basis. At that time the *Review* undertook a national survey of law review disclosure policies and promised to publish the results. Unfortunately, the response was too meager to provide any statistically accurate conclusions. Hopefully the survey being conducted by the A.A.L.S. academic ethics committee will produce a more complete picture of disclosure policies.

It was also stated in those *Editor's Notes* that the *Review* would publish developments in its disclosure policy. We hope that the method we have developed will be of interest to our readers and useful to other reviews. Our policy as it has been

refined over the last two years is to make a bona fide effort to discover and disclose such relevant information as will give the reader a reasonable picture of the writer's professional background. To implement this policy the *Review* has formulated the following questionnaire:

- 1) What academic degrees do you hold? Please list schools and years received.
- 2) What is your profession? If academic, please list school and rank. If you are a practicing attorney, please list professional associations of which you are a member.
- 3) Which classes do you teach, or in which types of practice or areas do you specialize?
- 4) Have you participated in any case cited in your article, or are you presently involved in any similar cases?
- 5) Have you participated in drafting or securing the passage of any of the legislation discussed in the article?
- 6) Did you write the article under a research grant, or otherwise for compensation?

7) Has any governmental or other agency commissioned you to write the article, or otherwise sponsored it?

8) Do you represent any persons whose interests will be directly furthered by publication of the article?

Although the questionnaire will not, and was not designed to disclose all sources of potential bias, it should disclose as a minimum the "special pleader" who has a financial interest in the publication of his article. It should also reveal the author's special areas of competence and familiarity. Certain other factors that may affect the writer's work such as his race, religion, and marital status, the editors have deemed inappropriate to disclose and are not covered in the questionnaire.

Disclosure is no substitute for a critical mind; nevertheless, the editors believe that a discovery and disclosure policy provides the reader with a more objective basis for evaluation of the author's work. There are many questions of editorial policy concerning disclosure left unanswered by the *Review's* policy. It is our hope that with more experience and an exchange of ideas among reviews a more sophisticated approach can be developed.